IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 367 (M/B) of 2004

Jagdish Prasad Kuriyal S/o Bharoa Ram
R/o Village, Netala, Tehsil Bhatwari,
Distt. Uttarkashi

..... **Petitioner.**

Vs

1. District Magistrate, Uttarkashi
2. Sub Divisional Magistrate, Bhatwari, Distt. Uttarkashi

.....Respondents.

Sri H.M Ratui, ld. counsel for the petitioner.
Ld. Standing counsel for the State.

Dated: - August 29, 2006

Coram: Hon'ble P.C. Verma, J.
Hon'ble B.S. Verma, J.

By means of this writ petition, the petitioner has prayed for writ of mandamus commanding the respondents to issue the domicile certificate in favour of the family members of the petitioner.

2. The petitioner applied for grant of domicile certificate from District Uttarkashi. The petitioner himself initially was born in District Tehri Garhwal and is having the property in District Tehri Garhwal. The assertion in the writ petition is that after disposing of all the properties, the petitioner has now purchased the property in District Uttarkashi where he has got the land and house, the paper of which was filed before the District Magistrate including the Parivar Register and further the Patwari of the Khand has recommended that the petitioner is resident of District Uttarkashi.

3. The District Magistrate, Uttarkashi-Respondent No.1 has refused to grant domicile certificate to the petitioner on the basis that the petitioner is resident of Distt. Tehri Garhwal. This fact also been stated in the counter affidavit.

4. Having regards to the facts and circumstances of the case, we direct Commissioner, Garhwal Division to reconsider the matter for grant of domicile certificate to the petitioner after taking into account all the documents filed by the petitioner. It is provided that the petitioner shall move an application to the Commissioner, Garhwal Division alonwith the relevant papers including this order within two weeks from today and the Commissioner, Garhwal Division after the receipt of the application shall decide the issue of domicile certificate in respect of petitioner within a period of two weeks thereafter.

5. With the aforesaid observation, the petition is disposed of finally.

(B.S. Verma, J.) **(P.C. Verma, J.)**

Rajeev Dang